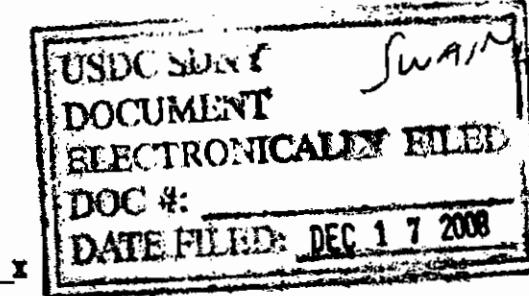


UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK



TOM OGNIBENE, et al.,

Plaintiffs,
-against-

C.A. No. 08 CV 01335 (LTS) (TDK)

PARKES, et al.,

Defendants.

x

STIPULATION OF DISMISSAL OF PLAINTIFF MICHELE RUSSO

IT IS HEREBY STIPULATED, by and between counsel for the parties, that MICHELE RUSSO, is hereby dismissed as a plaintiff pursuant to Fed.R.Civ.P. Rule 41(a)(1)(A)(ii).

Dated: New York, New York
December 12, 2008

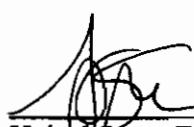
DAVIDOFF MALITO & HUTCHER LLP

BY: Charles Capetanakis
Charles Capetanakis
605 Third Avenue, 34th Floor
New York, NY 10158
Phone: (212) 557-7200
Fax: (212) 286-1884
Local Counsel for the Plaintiffs

James Bopp, Jr. (JB 0781)
Joe La Rue (JL 2423)
BOPP, COLESON & BOSTROM
1 South 6th Street
Terre Haute, IN 47807
Phone: (812) 232-2434
Fax: (812) 235-3685
Lead Counsel for the Plaintiffs

CORPORATION COUNSEL
FOR THE CITY OF NEW YORK

BY: Jonathan Pines
Jonathan Pines
100 Church Street
Room 2-178
New York, New York 10007
(212) 788-0933
Attorney for Defendants


United States District/Magistrate Judge